

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff

v.

NATIONAL COMMUNICATIONS
SYSTEMS, INC. d/b/a NATIONAL
BENEFITS COMMUNICATIONS, INC.,
et al.,

Defendants.

Docket No. 97-2331 (DRD)

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

SINGAL, Chief District Judge

Before the Court are two motions filed by Plaintiff Metropolitan Life Insurance Company: (1) the Motion Regarding Co-Defendant Hertell's "Motion for Reconsideration," which the Court received by fax on January 27, 2004 and (2) the Informative Motion and Requesting Order, which the Court received by fax on January 28, 2004. Through these Motions, the parties seek: (1) court approval to change various deposition dates originally approved and set out in this Court's Order dated January 21, 2004; (2) an extension of the deadline for filing the proposed pretrial order and (3) that the Court schedule a telephonic conference on this matter. The Court's rulings on these requests are laid out below.

Plaintiff seeks to have this Court approve changes to the deposition schedule, which have been agreed to by Plaintiff's counsel as well as counsel for Co-Defendants Hans Hertell and Marie Stubbe Hertell. Apparently, Co-Defendants Axtmayer and Escudero have not agreed to this change in schedule. In its previous January 22, 2004

Order, the Court explained: "Counsel are free to cooperatively work on rescheduling any depositions, including the depositions of the Hertells, to any time they can mutually agree upon. . . . However, absent an agreement to move forward with any deposition at a different place and time, the depositions shall go forward on the dates and times previously approved by the Court in its prior Order." Apparently, there is no agreement between counsel for ALL PARTIES. Therefore, the depositions will have to go forward at the times previously proposed and approved by the Court. If Counsel for all parties can reach an agreement to change the date and time of a particular deposition, they do not need further Court approval and the deposition can simply go forward at the agreed upon date and time. The Court does advise the parties to memorialize in writing any agreements to change depositions dates in order to prevent confusion or later controversy about whether all parties, in fact, agreed to the scheduling change.

With respect to Plaintiff's request to change the date for submission of the Joint Proposed Pretrial Order, Plaintiff's Motion to extend the filing date from February 12, 2004 to February 23, 2004 is DENIED. The parties shall follow the Court's previous January 21, 2004 Order on this issue and submit their Joint Proposed Pretrial Order on February 12, 2004. As the Court explained in its previous order on this issue, if the parties cannot reach agreement by the February 12, 2004 deadline, each party shall submit an individual proposal along with an explanation of the failure to file a joint proposal.

With respect to Plaintiff counsel's request for a telephonic conference, the Court will hold a telephonic conference on February 17, 2004 at 1:15 PM EST. It is the responsibility of Plaintiff's Counsel to initiate this call and get all parties on the call

before calling my chambers at (207) 780-3119.

Finally, Counsel are advised the jury selection in this matter is currently being scheduled to occur in the week prior to March 1, 2004. Counsel shall contact the Clerk's Office to obtain the exact date and time as well as any further instructions for jury selection in this matter.

SO ORDERED.

/s/ George Z. Singal

GEORGE Z. SINGAL

Chief United States District Judge,
District of Maine, sitting by designation

Dated this 29th day of January 2004.